



**STATE OF WASHINGTON**  
**OFFICE OF THE STATE HUMAN RESOURCES DIRECTOR**  
DIRECTOR'S REVIEW PROGRAM  
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November 9, 2011

TO: Teresa Parsons, SPHR  
Director's Review Program Supervisor

FROM: Kris Brophy, SPHR  
Director's Review Investigator

SUBJECT: Sarah Taylor v. Department of Transportation (WSDOT)  
Allocation Review Request ALLO-11-001

**Director's Determination**

This position review was based on the work performed for the six-month period prior to May 5, 2011, the date WSDOT Human Resources received the request for a position review. As the Director's Review Investigator, I carefully considered all of the documentation in the file, the exhibits, and the verbal comments provided by both parties during the review conference. Based on my review and analysis of Ms. Taylor's assigned duties and responsibilities, I conclude her position is properly allocated to the Transportation Planning Specialist 3 classification.

**Background**

On May 5, 2010, WSDOT's Office of Human Resources (OHR) received Ms. Taylor's Position Description form (PDF), requesting her Transportation Planning Specialist 3 (TPS 3) position be reallocated to Transportation Planning Specialist 4 (TPS 4). On December 14, 2010, Niki Pavlicek, Manager, OHR/Classification & Compensation, notified Ms. Taylor that her position was properly allocated as a TPS 3. Ms. Pavlicek concluded the majority of duties assigned to the position met the TPS 3 classification (Exhibit A-2).

On January 12, 2011, the Department of Personnel (DOP) received her request for a Director's review of WSDOT's allocation decision (Exhibit A-1).

On October 4, 2011, I conducted a Director's review conference regarding Ms. Taylor's position allocation. Present during the meeting were Sarah Taylor, Kristen Kussman, Union Representative, PTE Local 17; Niki Pavlicek, Manager, OHR/Classification & Compensation; Joni Wheeler, Human Resource Consultant 4; and Ken Stone, Resource Programs Branch Manager, DOT.

### **Rationale for Director's Determination**

The purpose of a position review is to determine which classification best describes the overall duties and responsibilities of a position. A position review is neither a measurement of the volume of work performed, nor an evaluation of the expertise with which that work is performed. A position review is a comparison of the duties and responsibilities of a particular position to the available classification specifications. This review results in a determination of the class that best describes the overall duties and responsibilities of the position. Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

### **Duties and Responsibilities**

Ms. Taylor works for the Haz-Mat & Solid Waste program within the WSDOT Environmental Services Office. This unit provides specialized technical hazardous materials and solid waste investigation, consultation and planning support for WSDOT transportation and other construction projects statewide. Ms. Taylor's position provides hazardous materials project and policy support. Ms. Taylor conducts and reviews field studies, provides recommendations and prepares reports to meet federal, state and local requirements.

Ms. Taylor describes her duties in the position description form (PDF) submitted for reallocation (Exhibit A-3). Ms. Taylor reports to Mr. Mike Stephens, Program Manager. Mr. Stephens did not sign the PDF but provided comments via email during the course of WSDOT's review (see Exhibits B-9(a)-(d)). Mr. Stephens does not agree the information in the PDF is accurate and complete. Mr. Stephens believes Ms. Taylor's position is properly allocated to the TPS 3 class.

Ms. Taylor's description of duties and a summary of Mr. Stephens comments (*in italics*) are provided as follows:

45% Assessment Plans and develops advanced project field studies; conducts sampling programs and analyzes results; prepares expert reports on the extent of hazardous materials findings; to include an evaluation of potential impacts on public health and the environment with respect to the identified pollutants. Supervises field teams related to hazardous materials assessments.

*Mr. Stephens did a labor distribution calculation in early July 2010 and came up with 40%, which he indicated was higher than the historical norm of 30-35%. However, he agreed the amount had increased and stated that 40% was realistic until the construction program drops off.*

Conducts and reviews complex studies to ensure that potential hazardous materials impacts have been thoroughly evaluated with respect to environmental contamination, department liability, and possible cleanup costs; and provides recommendations for inclusion in environmental impact statements. Supervises and develops technical reports such as Phase I and Phase II Environmental Site Assessments and WSDOT contract documents including special provisions and contaminated media management plans. Prepares hazardous materials briefings.

*Mr. Stephens did not agree with Ms. Taylor's characterizations of work as "advanced project" and "complex studies." Instead, he wrote, in part, "[a]dvanced and complex are terms I would apply to something like*

*Remedial Investigation/Feasibility Study and not the level of complexity we work with..."*

*In addition, Mr. Stephens clarified Ms. Taylor does not supervise any staff. He further noted that Ms. Taylor had referenced the supervision and development of reports (not supervision of staff). As a final point, Mr. Stephens wrote, "...the duties under 'Assessment' are clearly TPS 3 duties."*

Serves as hazardous materials specialist representative with other federal, state and local agencies in determining methods or procedures to be utilized in conducting evaluative studies and provides recommendations for actions. Provides technical assistance and reconciles hazardous materials concerns on statewide transportation project.

- 40% Project Management As a lead-worker develops scopes of work, budgets and schedules; tracks staff and consultant charges to project budgets for broad individual studies and planning efforts. Manages consultant project work. Reviews and analyzes consultant reports to determine completeness, accuracy, and possible problems, and develops recommendations for department actions.

*Mr. Stephens clarified the activities described in this paragraph are those of a project manager, not "a lead-worker."*

Supervises the activities of subordinate staff; documents contributions to the department and provides direct feedback to program manager, monitors and directs staff workload, and provides training related to hazardous waste issues.

*Mr. Stephens clarified the word "Supervises" should be changed to "Leads."*

Develops and implements training programs to establish and maintain expertise regarding various waste issues.

*Mr. Stephens described project management and training as two separate duties. He indicated project management should 30% and training should be listed separately as 10%. He also described the training component as TPS 3 level work.*

- 10% Policy & Procedures Develops recommendations for statewide WSDOT hazardous waste plans, policies and procedures that implement hazardous waste rules and regulations affecting the Department. Prepares procedures, reports, and guidelines for implementing WSDOT policy and for reporting performance.

*Mr. Stephens agreed the level of effort Ms. Taylor applies to policy and procedures has dropped to 10%.*

- 5% Other duties as assigned

Additionally, Ms. Taylor provided a list of the primary projects she worked on during review period October 2009 – May 2010 to WSDOT HR (Exhibit B-7). In his written comments, Mr.

Stephens describes the tasks associated with the projects and other work completed during the review period (Exhibit B-9(c)). Mr. Stephens disagrees that Ms. Taylor's project assignments represent TPS 4 level work. Rather, he states that with the exception of Ms. Taylor's assignment to review the Alaska Way Viaduct Replacement Project's HazMatDR, which he considers to be TPS 4 level work, the remaining projects are consistent with work assigned at the TPS 3 level of responsibility. The following summarizes his comments:

TPS 4 level:

Comments:

*SR 99 Alaska Way Viaduct Replacement Project. Review multiple reports and recommend how to revise the EIS as a result of adding a new alternative to the project. The work consists of fairly technical analysis and crosses over a number of agencies as well as consideration of the political issues facing the project. HazMat issues here are complex and present the problem of how to dispose of substantial contaminated media.*

Note: In Exhibit B-9(a), Mr. Stephens indicates Ms. Taylor charged 71 hours or approximately 3.5% of her time to this project during the review period. He stated in total this would not represent more than 10% of her assigned duties.

TPS 3 Level:

Comments:

*US 101 Shore Road to Kitchen-Dick Road Widening Project (hereinafter US 101) – Prepare a corridor Discipline study; conduct site investigation of two sites including a Sampling and Analysis Plan (SAP); submit samples to a lab and review the results; draft construction specifications for managing contaminated media during construction.*

Note: In Exhibit B-7, Ms. Wheeler notes that Mr. Stephens indicated that a portion of Ms. Taylor's work on this project in May 2010 was performed at the TPS 4 level. During the review conference the parties clarified this involved consulting with the project engineer regarding resolving hazardous materials issues during the construction phase of the project.

*Vancouver Rail Project 39<sup>th</sup> Street Bridge (hereinafter Vancouver Rail) - Following guidelines from Project Manager review existing reports on contamination on or near the site; prepare construction specifications, coordinate disposal options; observe construction activity and conduct sampling for soil and water media. This project Sarah handled from start to finish so it is considered a good example of project management.*

Note: In Exhibit B-7, Ms. Wheeler notes that Mr. Stephens indicated that a portion of Ms. Taylor's work on this project in February 2010 relating to "execution" was performed at the TPS 4 level.

*SR 500 Kindred UST Tank Removal (hereinafter SR 500) - Contracting the removal of an underground storage tank and conducting a site assessment, assessing the laboratory results and recommending further investigation; preparing a report and drafting construction specifications for removing contaminated media.*

I-5 Mellon Street to Blakeslee (hereinafter I-5 Mellon) – Prepare discipline report and revisions.

I-5 Tacoma HOV NB Stage 1 Project – Phase II (hereinafter I-5 Tacoma) – Conduct sampling activities in the project area including drafting SAP; review of sampling data, prepare contract specifications for managing contaminated media.

SPCC Assessment Database – This project involved using knowledge of spill requirements and spill plan assessments performed by WSDOT staff to revise the Spill Assessment database. It included doing beta testing of the database.

SR 109 Hoquiam Tank Encounter – Prepared SAP for site and oversaw staff conduct sampling.

Dryden Pit Site – Prepared SAP and conducted sampling at a site contaminated by a gun firing range; reviewed sampling data and recommended further actions.

Mr. Stephens also commented (see Exhibit A-19):

*A distinction is drawn between conducting complete planning assignments (TPS 3) and conducting advanced transportation studies or investigations (TPS 4) which is akin to project management. Most project work that Sarah is involved in, in regard to hazmat work, would be characterized as conducting complete planning assignments. Note that the TPS 3 definition includes “supervising and training lower level personnel and/or performing as a project team leader on assigned projects” which is consistent with Sarah’s lead worker status with Trent Ensminger who is a TPS 1 position....*

*Sarah has worked on Mega Projects which are large and complex, but these projects also have consultants who are conducting and managing haz mat work; and at any rate Sarah is not “directing project teams” and the percentage of time she works on these projects is significantly less than 50%.*

Ken Stone, Resource Programs Branch Manager and Ms. Taylor’s second-level supervisor, provided additional comments to WSDOT HR during its review. In exhibit A-19, Mr. Stone stated:

*The majority of work Sarah performs is properly classified as TPS 3 level work. While some of the work Sarah performs is more consistent with TPS4 class specifications, this work constitutes significantly less than 50%.*

#### Summary of WSDOT’s Reasoning

WSDOT asserts Ms. Taylor’s position does not reach any of the four separate criteria for allocation to the TPS 4 level class. WSDOT asserts that during the review period, Ms. Taylor was not assigned full project leadership responsibility for the majority of assignments she worked on during that time period. WSDOT asserts Ms. Taylor’s work assignments principally involve working independently, or working with one TPS 1 co-worker who provides technical assistance in completing data sampling and other work assignments. WSDOT contends the size and scope of her assigned projects do not rise to the level of requiring the direction of multiple

hazmat project teams charged with conducting analyses and preparing recommendations across one or more problem areas usually involving more than one discipline.

WSDOT asserts Ms. Taylor's position does not meet the other criteria stated in the definition of this class of performing critical program evaluations, supervising transportation planning data collection, analysis and summarization operations; or working as a registered landscape architect.

While WSDOT acknowledges that some of Ms. Taylor's work is consistent with the TPS 4 class, (i.e. Alaska Way Viaduct), this work constitutes significantly less than 50% of Ms. Taylor's work (Exhibit A-19). In total, WSDOT asserts Ms. Taylor's position is properly allocated to the TPS 3 level class.

#### Summary of Ms. Taylor's Perspective

In her letter of appeal and other supporting documentation, Ms. Taylor asserts that her position assumed higher level assignments following the reduction in work hours of her TPS 4 co-worker from full-time to part-time. Ms. Taylor asserts the majority of her work assignments, as well as her level of responsibility, reaches the TPS 4 level class. The following summarizes her key points (see exhibits A-1, A-4, A-6).

Ms. Taylor asserts she served as the principal lead for completing two full-scale Hazardous Materials Discipline Reports (HazMatDR), and served as the lead reviewer for a third involving the Alaska Way Viaduct Replacement project. Ms. Taylor asserts the level of work required to complete or review these reports are representative of advanced transportation studies due to the scale of the projects involved and the amount of hazardous materials. She indicates these factors have a greater potential to impact project construction, the environment, and WSDOT's cleanup liability. Given the amount of planning, research, and other work required in completing these reports, Ms. Taylor asserts they should be considered a project within a project. Therefore, she describes these reports as advanced studies.

Ms. Taylor asserts she served as a TPS 4 level project manager for multiple projects including the Vancouver Rail, I-5 Tacoma, and the SR 500 projects. Ms. Taylor asserts she was assigned full project management responsibility for the projects she was assigned, with minimal or no direction from her supervisor. Ms. Taylor contends no other position had project leader responsibilities over her assignments on these projects.

Ms. Taylor asserts she had project manager responsibilities for the Vancouver Rail and SR 500 projects, and the US 101 and I-5 Mellon HazMatDRs. For the Vancouver Rail project, Ms. Taylor asserts she provided technical expertise during construction to an interdisciplinary team consisting of project engineers and inspectors, the contractor and sub-contractors, the City of Vancouver, and Columbia Analytical Laboratory. For the SR 500 project, Ms. Taylor asserts she directed a team consisting of the tank removal contractor, a drilling contractor, and her co-worker, Trent Ensminger. For the US 101 and I-5 Mellon HazMat DRs, Ms. Taylor asserts she directed Mr. Ensminger to research and collect information and provide information about hazardous materials and prepare a preliminary analysis of the history of the site and potential contaminants. Although she is classified as a lead worker, Ms. Taylor asserts she performs the duties of a supervisor to include assigning, overseeing, training, and reviewing Mr. Ensminger's work, and providing feedback on his progress that is incorporated into his performance evaluation.

In exhibit A-6, Ms. Taylor asserts the Phase II Environmental Site Assessment (ESA) she completed for the I-5 Tacoma project reaches TPS 4 level responsibility. Ms. Taylor asserts a Phase II ESA is an advanced transportation study because it requires critical thinking and site-specific planning to ensure sampling objectives are met. Ms. Taylor asserts that as the project leader, she had full responsibility for "...determining the site-specific sampling strategy, which included determining the locations and water sampling parameters for three new wells at the project to determine whether groundwater contamination would be an issue during construction." Ms. Taylor states she "presented these results to the project team during the project design and contract documents for construction."

Additionally, Ms. Taylor contends the work she performed during the review period related to the creation of a new Spill Preparedness Tracking Database, the responsibility to serve as the primary HazMat specialist for dangerous waste issues on construction projects, and the duty to prepare annual dangerous waste reports to the Washington State Department of Ecology. Overall, she contends her duties and level of responsibility fit the TPS 4 level.

#### Comparison of Duties to Class Specifications

When comparing the assignment of work and level of responsibility to the available class specifications, the class series concept (if one exists) followed by definition and distinguishing characteristics are primary considerations. While examples of typical work identified in a class specification do not form the basis for an allocation, they lend support to the work envisioned within a classification.

In Byrnes v. Dept's of Personnel and Corrections, PRB No. R-ALLO-06-005 (2006), the Board held that "[w]hile a comparison of one position to another similar position may be useful in gaining a better understanding of the duties performed by and the level of responsibility assigned to an incumbent, allocation of a position must be based on the overall duties and responsibilities assigned to an individual position compared to the existing classifications. The allocation or misallocation of a similar position is not a determining factor in the appropriate allocation of a position." Citing to Flahaut v. Dept's of Personnel and Labor and Industries, PAB No. ALLO 96-0009 (1996).

Additionally, most positions within the civil service system occasionally perform duties that appear in more than one classification. However, when determining the appropriate classification for a specific position, the duties and responsibilities of that position must be considered in their entirety and the position must be allocated to the classification that provides the best fit overall for the majority of the position's duties and responsibilities. Dudley v. Dept. of Labor and Industries, PRB Case No. R-ALLO-07-007 (2007).

#### Comparison of Duties to Transportation Planning Specialist 4

The Definition for Transportation Planning Specialist 4 states, in part:

As a project leader, plans and conducts advanced transportation studies or investigations which require direction of project teams charged with analyses and recommendations for one or more problem areas, involving one or more transportation modes, and usually involving more than one discipline; or performs critical program evaluations; or supervises transportation planning data collection, analysis and summarization operations.

OR

As a registered professional landscape architect, performs professional landscape architectural work . . .

The Distinguishing Characteristics for TPS 4 state, in relevant part:

This level develops and evaluates plans, study methodology and criteria for a variety of assigned problems and projects;

Problems, modes and disciplines are enumerated in the Transportation Planning Specialist 3 specification;

Supervises an organizational segment . . .

Critical program evaluation is defined as a highly specialized evaluation of a program – multi-modal, total system impact. The evaluation requires the use of sophisticated application techniques with system-wide analysis.

. . .

Ms. Taylor's position does not meet any of the four primary allocating criteria stated in the Definition and Distinguishing Characteristics of this class.

1. Project Leader

The first primary allocating factor in the definition requires project leadership. It states that as a project leader the incumbent, "plans and conducts advanced transportation studies or investigations which require direction of project teams charged with analyses and recommendations for one or more problem areas, involving one or more transportation modes, and usually involving more than one discipline. [Emphasis added]."

Ms. Taylor's project leadership responsibilities do not reach this size, scope, and overall level of complexity required by the definition for this class. During the review period she did not lead projects or assignments of sufficient size or complexity which required the direction of more than one HazMat project team.

In Exhibit A-6, Ms. Taylor acknowledges that due to the small size of the WSDOT HazMat program, her HazMat project team consisted of herself and her co-worker, a lower-level TPS 1 position. Ms. Taylor states that Mr. Ensminger assisted with the US 101 and I-5 Mellon Discipline Reports, the I-5 Tacoma ESA, and the SR 500 St. John's Interchange project. The scope of his work included assisting her with collecting and summarizing data, and conducting analyses and/or making preliminary recommendations.

Therefore, the overall size, scope and complexity of Ms. Taylor's projects for which she was a project leader were not of a sufficient size or complexity to require the direction of multiple HazMat project teams charged with conducting analyses and making recommendations. Further, while it is acknowledged that Ms. Taylor provides consultation to project engineers, inspectors, contractors, and others during her assigned projects, this does not equate to



directing more than one project team (i.e. within her haz mat field of expertise) charged with conducting analysis and developing recommendations for a broad and complex project.

Positions at this level lead advanced transportation studies or investigations. The distinguishing characteristics further clarify that an incumbent at this level, "develops and evaluates plans, study methodology and criteria for a variety of assigned problems and projects." This requires planning, conducting and completing all phases of activity for a complex and broad project or study, usually including multiple transportation modes and usually involving more than one discipline. The majority of projects and assignments Ms. Taylor worked on during the review period did not reach this level of complexity. The majority of her projects (other than Alaska Way Viaduct) did not include multiple transportation modes and involved one discipline – hazardous materials.

In exhibit B-9(b)), Mr. Stephens indicated that for the HazMat program, this involves determining (from the beginning of the project) what the issues are, preparing and coordinating plans with design staff and regulatory agencies, and solving hazardous materials issues for the project. In exhibit B-9(c), Mr. Stephens stated the Vancouver Rail was a project for which Ms. Taylor had project management responsibility. Mr. Stephens acknowledged that Ms. Taylor, "handled (this project) from start to finish so it is considered a good example of project management." However, in total, he did not consider the overall scope and complexity of the project to reach the TPS 4 level.

However, it is uncontested that a portion of Ms. Taylor's duties during the review period reached TPS 4 level work. In (Exhibit B-9(c)), Mr. Stephens states he considered Ms. Taylor's work reviewing and commenting on the Alaska Way Viaduct Replacement project's HazMatDR to be TPS 4 level work. In his comments he states, "This project I consider TPS 4 level effort. The present work involves reviewing multiple reports and recommending how to revise the EIS (i.e. Environmental Impact Statement) as a result of adding a new alternative to the project. The work consists of fairly technical analysis and crosses over a number of agencies as well as consideration of the political issues facing the project. HazMat issues here are complex and present the problem of how to dispose of substantial contaminated media." In exhibit B-9(a), Mr. Stephens stated Ms. Taylor charged 71 hours to this project which represented about 3.5% of her time over a one year period. He also acknowledged that a portion of Ms. Taylor's work on the Vancouver Rail and US 101 projects relating to the removal of hazardous materials during the construction phase, et al. was performed at the TPS 4 level.

However, in total, the scope of Ms. Taylor's projects and assignments does not reach the level of complexity required by this class. In exhibit A-19, Mr. Stone and Mr. Stephens stated that, "most project work that Sarah is involved in, in regard to haz mat work, would be characterized as conducting complete planning assignments. In exhibit A-19, Mr. Stone and Mr. Stephens indicated that Sarah is not 'directing project teams' and the percentage of time she works on these projects is significantly less than 50%.

In total, Ms. Taylor's projects and assignments during the review time period did not meet the size, scope, and level of complexity required by the definition of this class of leading projects requiring the direction of multiple hazmat project teams charged with conducting analyses and preparing recommendations across one or more problem areas usually involving more than one discipline.

## 2. Program Evaluations

The second allocating factor stated in the Definition is to perform critical program evaluations. [Emphasis added]. The Distinguishing Characteristics define critical program evaluations as a, "highly specialized evaluation of a program – multi-modal, total system impact. The evaluation process requires the use of sophisticated application techniques with system-wide analysis."

Although not primary allocating criteria, the typical work statements for this class provide further clarification and state that, "Positions at this level provide technical assistance and evaluate programs related to transit, air, or rail service providers. Serves as departmental representatives with other federal state and local agencies in determining analytical models, methods or procedures to be used in conducting studies." Ms. Taylor's position does not have this scope of responsibility.

Ms. Taylor was assigned responsibility to revise the agency's Spill Prevention, Control, and Countermeasures (SPCC) Assessment. The SPCC Assessment stems from the agency's standard specification which describes how WSDOT contractors prepare and maintain SPCC Plans. These plans are required for all WSDOT projects in order to prevent and respond to hazardous materials spills. Agency management and project engineering staff use SPCC Assessment information to better understand the status of spill prevention and response preparedness on different WSDOT projects across the state.

The HazMat Program office is responsible for the specification, which includes responsibility for updating the SPCC Assessment when necessary. Ms. Taylor was assigned responsibility to provide her technical expertise to create a new SPCC Assessment. She developed new assessment questions along with a weighted scoring system to allow comparisons between projects and regions. She also worked with database developers to create a database for monitoring and reporting purposes for agency management.

While Ms. Taylor served as a technical expert to develop a new Assessment tool, she does not have programmatic responsibility for that function. While technically focused, her duties are supportive in nature and do not include responsibility for performing critical evaluations of the agency's spill prevention program as a whole. She does not serve as a departmental representative for the program. In total, Ms. Taylor's position does not meet the second allocating criteria as required.

## 3. Supervise Organizational Segment

The third allocating criteria stated in the Definition for this class requires that an incumbent, "supervises transportation planning data collection, analysis and summarization operations."

The Department of Personnel (DOP) Glossary of terms for Classification, Compensation, & Management defines **supervisor** as follows:

An employee who is assigned responsibility by management to participate in all of the following functions with respect to their subordinate employees:

- Selecting staff
- Training and development
- Planning and assignment of work

- Evaluating performance
- Resolving grievances
- Taking corrective action

Participation in these functions is not routine and requires the exercise of individual judgment.

In a more recent decision, the PRB provided further guidance on the definition of supervision. The PRB determined that “[s]upervision of an organization typically includes setting organizational goals, developing plans to meet goals and objectives, developing policies and procedures, preparing budgets, adjusting and authorizing expenditures, controlling the allocation of program resources, and the supervision of staff.” Dawson v. South Puget Sound Community College, PRB Case No. R-ALLO-08-001 (2008).

Ms. Taylor’s position does not have supervisory level responsibility. Supervisory responsibility for HazMat operations rests with Mr. Mike Stephens, Ms. Taylor’s immediate supervisor. Ms. Taylor acknowledges in exhibit A-4 that she does not “...officially supervise any staff”. Her duties reviewing Mr. Ensminger’s work and providing detailed notes to Mr. Stephens on the progress and completion of his work is consistent with lead responsibilities. Therefore, Ms. Taylor’s position does not meet this allocating criteria requirement.

#### 4. Registered professional landscape architect.

It is uncontested that Ms. Taylor is not a registered landscape architect.

#### Summary

The work assigned to Ms. Taylor’s position does not fully reach any of the four separate criteria for allocation to the TPS 4 level class. The size and scope of Ms. Taylor’s projects and other assignments do not rise to the level of requiring the direction of multiple hazmat project teams charged with conducting analyses and preparing recommendations across one or more problem areas usually involving more than one discipline. Ms. Taylor’s position does not meet the other criteria stated in the definition of this class of performing critical program evaluations, supervising transportation planning data collection, analysis and summarization operations; or working as a registered landscape architect.

While it is undisputed that a portion of Ms. Taylor’s work performed during the review period reached aspects of the work performed at the TPS 4 level, (principally related to the Alaska Way Viaduct project), this is a minority of the total work performed by Ms. Taylor during the review period. Ms. Taylor’s position does not meet the requirements of the Definition and Distinguishing Characteristics for this class. For these reasons, her position should not be allocation to Transportation Planning Specialist 4 class.

#### Comparison of Duties to Transportation Planning Specialist 3

The Transportation Planning Specialist 3 Definition states:

Independently conducts complete planning assignments involving one or more transportation modes and/or one problem area and/or a single discipline under limited supervision. Assignments may involve supervising

and training lower level personnel and/or performing as a project team leader on assigned projects.

The Distinguishing Characteristics for the Transportation Planning Specialist 3 class state in relevant part:

Assignments at this level require independent evaluations and responsibility to select and modify evaluation techniques; directions provided are limited to specific problem areas and major factors to be considered in reaching objectives;

Modes are rail, water, air, transit, bike and pedestrian, etc.;

Problem areas relate to energy, land use, economic development, deregulation of services, modal system integration, environmental regulations, Endangered Species Act, transportation roadside and site aspects, etc.;

Disciplines are environmental or urban planning, fisheries, biology, transportation, landscape architecture, engineering, economics, social sciences, etc.;

Project assignments at this level include specific studies of service and facilities, or defined areas as a part of a statewide or region program such as air quality, economic development, roadside development and management, etc.;

...

Environmental:

Full responsible for conducting complete planning assignments for a recognized aspect of the environmental program. Examples of qualifying subprograms are: Air pollution (state-wide impact); Noise Abatement (state-wide impact); Hazardous Materials; Environmental Permits; Water Quality; Erosion Control; Watershed Management; Biology; Endangered Species Act; Environmental data administration; Stormwater Management. [Emphasis added]

The overall scope and level of responsibility of Ms. Taylor's position matches the Definition and Distinguishing Characteristics for this class.

Ms. Taylor has full responsibility for independently completing her hazardous materials project planning and other work assignments. Ms. Taylor performs her work independently which includes selecting and modifying evaluation techniques as necessary to complete her projects.

Ms. Taylor performs her work under the limited supervision of her supervisor, Mr. Mike Stephens. In her letter of appeal, Ms. Taylor stated that her supervisor had initial involvement to discuss the general overview of the project and that she was expected to then manage and coordinate all work to complete her reports. This is consistent with the Distinguishing

Characteristics statement, "directions provided are limited to specific problem areas and other major factors to be considered in reaching objectives."

Ms. Taylor's responsibilities include training and directing the work of a lower level TPS 1 position. Ms. Taylor served as a project team leader on several work assignments and projects including the US 101 and I-5 Mellon Discipline Reports, the I-5 Tacoma ESA, and the SR 500 St. John's Interchange project. For example, as the project leader for the I-5 Tacoma project, Ms. Taylor determined the site-specific sampling strategy, which included determining the locations and water sampling parameters for three new wells at the project to determine whether groundwater contamination would be an issue during construction. She presented these results to the project team during the project design and contract documents for construction. Further, her project leadership responsibility consisted of serving as a team leader for a team consisting of her and Mr. Ensminger. This is consistent with the level of responsibility anticipated by this class as stated in the definition, "Assignments may involve supervising and training lower level personnel and/or performing as a project team leader on assigned projects."

Although the examples of work do not form the basis for an allocation, they lend support to the work envisioned within a classification. The following provides an example of the level of work assigned to the TPS 3 class, as stated on the class specification:

Plans and conducts research concerning substantive area of professional expertise;

May serve as a project team leader for transportation planning and evaluation projects...;

Analyzes and makes qualitative evaluations of survey data...;

Has responsibility for training staff in new methods and techniques, including documentation in specific professional areas;

May direct, train and evaluate lower level-staff, technicians... as required.

The examples listed above are consistent with the work stated in Ms. Taylor's PDF describing her assigned job duties.

Ms. Taylor's responsibilities related to the creation of a new Spill Preparedness Tracking Database, serving as the primary HazMat specialist for dangerous waste issues related to WSDOT construction projects, and preparing and submitting annual dangerous waste reports to the Washington State Department of Ecology are also consistent with these statements.

In Salsberry v. Washington State Parks and Recreation Commission, PRB Case No. R-ALLO-06-013 (2007), the Personnel Resources Board addressed the concept of *best fit*. The Board referenced Allegri v. Washington State University, PAB Case No. ALLO-96-0026 (1998), in which the Personnel Appeals Board noted that while the appellant's duties and responsibilities did not encompass the full breadth of the duties and responsibilities described by the classification to which his position was allocated, on a best fit basis, the classification best described the level, scope and diversity of the overall duties and responsibilities of his position.

Ms. Taylor's allocation is not a measurement of her performance. It is clear Ms. Taylor is a highly valued employee. A position's allocation, however, is limited to the duties and

responsibilities assigned and how the majority of those duties best fit into the available job classifications. During the period of time under this review, the majority of her work assignments are more closely aligned with the requirements of the TPS 3 class. Therefore, the Transportation Planning Specialist 3 classification best describes her position.

### **Appeal Rights**

RCW 41.06.170 governs the right to appeal. RCW 41.06.170(4) provides, in relevant part, the following:

An employee incumbent in a position at the time of its allocation or reallocation, or the agency utilizing the position, may appeal the allocation or reallocation to . . . the Washington personnel resources board . . . . Notice of such appeal must be filed in writing within thirty days of the action from which appeal is taken.

The mailing address for the Personnel Resources Board (PRB) is P.O. Box 40911, Olympia, Washington, 98504-0911.

You may file in person at 521 Capitol Way South, Olympia, Washington. Fax number (360) 586-4694.

For questions, please call (360) 664-0388.

If no further action is taken, the Director's determination becomes final.

c: Sarah Taylor, WSDOT  
Kristen Kussman, PTE Local 17  
Niki Pavlicek, WSDOT  
Joni Wheeler, WSDOT  
Lisa Skriletz, OSHRD

Enclosure: List of Exhibits

**SARAH TAYLOR v DOT**

**ALLO-11-001**

**A. Sarah Taylor Exhibits**

1. Director's Review Form received, January 12, 2011 (page 1-5)
2. DOT determination letter dated December 14, 2010 (page 1-4)
3. Position Description submitted for reallocation by Sarah Taylor to HR  
May 4, 2010 – no supervisor comments (page 1-3)
4. Rebuttal to Reallocation Determination (page 1-7)
5. Modified Determination Letter – highlighted for illustrating purpose (page 1-4).
6. Modified TPS4 Class Specification Definition, with commentary regarding Ms.  
Taylors TPS4 duties (pages 1-8)
7. Tanja Bird February 1, 2011 email to Sarah Taylor re: identifying projects Tanja  
Bird lead (page 1-2)
8. Multiple emails between Joni Wheeler and Mike Stephens, July 7-13, 2010 re:  
TSP4 level work (page 1-3)
9. Mike Stephens June 18, 2009 email to Steve Fuchs identifying Sarah Taylor as  
lead for discipline report (1page)
10. Harjit Bhalla August 13, 2009 email to Sarah Taylor re: HazMat project report  
due date (pages 1-2)
11. Kevin Workman February 2, 2011 email to Sarah Taylor identifying Sarah Taylor  
as lead for US101 Shore Road to Kitchen- Dick Road report (1 page)
12. Vickie Albert March 25, 2010 email to Sarah Taylor re: HazMat DR for MTB draft  
submitting (page 1-3)
13. Mike Terry Stephens TPS4 CQ -3p. (page 1-3)
14. Trent Ensminger February 3, 2011 email to Sarah Taylor re: verifying job duties  
(page 1-3)
15. Frank Dick February 10, 2010 email to Sarah Taylor re: W39th Street Lab results  
(page 1-2)
16. Sarah Taylor November 2, 2009 email to Trent Ensminger re: file review for Borst  
Park (1 page)
17. Tanya Bird 2007 Change in Position Description with Essential Skills form  
attached (page 1-6).
18. Joni Wheeler July 27, 2010 email to Sarah Taylor update on allocation process  
(1 page)
19. Joni-Ken-Joe emails with attachment re: desk audit input from Ken Stone, Mike  
Stephens and Joe Witczak (page 1-7)

20. Mike Stephens January 14, 2010 email to Sarah Taylor re: George Sellar Bridge (1 page)
21. Elizabeth Lanzer July 30, 2008 email to Rob Smith instructing him to contact Sarah Taylor for HazMat SPCC (1 page)
22. Megan White June 3 2010 SPCC follow-up email (page 1-2)
23. Rob Smith February 4, 2011 email to Sarah Taylor stating she contributed to web-based SPCC tool (page 1-2)
24. Ken Stone January 8, 2009 email designating Sarah Taylor as secondary contact for Leg Session issues (1 page)

Supplemental documentation submitted in support of the reallocation request of Sarah Calderwood (formerly Sarah Taylor) submitted September 22, 2011:

25. Supplemental description of work from May 2010-April 2011 (page 1-3)
26. Email from Trent Ensminger confirming Ms. Calderwood's supervisory responsibilities on three projects (1 page)

Emails and information related to the work Ms. Calderwood completed that normally would have been a part of the workload of Katherine Chesick (Northwest Region Hazardous Materials Specialist, TPS4) :

27. Email forwarded by Mike Stephens, from Gary Davis (Katherine's boss) asking for help with TPS4-level investigations performed beginning in October 2010 (1 page)
28. Email to Gary Davis and Katherine Chesick about the investigations performed beginning October 2010 (page 1-8)
29. Copy of one of the HazMat Investigations Ms. Calderwood completed for the Northwest Region [TEM WIN A00522B (I-5 Express Lane Automation)\_10-18-10] (page 1-8)
30. Email from Gary Davis acknowledging that Ms. Calderwood will be the technical reviewer for the Mukilteo Multimodal Project [FW: Mukilteo Multimodal Project Internal Agreement] (page 1-2)
31. Email from Gary Davis providing a charge code for Ms. Calderwood's work on the US 2 Rice Road Project and thanking me for the assistance [RE: HazMat Task Req for A00224R US 2...](1 page)
32. Email that Ms. Calderwood sent to the SR 20 Red Cabin Creek Project Team outlining her sampling strategy and budget, note that this work began in July 2010 [RE: XL 3264 Red Cabin Creek CED...] (page 1-3)

Info related to the HazMat Investigations in Tacoma:

33. Email from Steve Miller which started Ms. Calderwood's work on the I-5 Tacoma HOV, Port of Tacoma Road Investigation [Oil drum/spill on Port of Tacoma to King County Line-HOV @ Mitigation Site] (1 page)



34. Copy of one of the Task Order Documents for this project that shows that Ms. Calderwood was the Project Manager for the work on the I-5 Tacoma HOV, Port of Tacoma Road Investigation [Y-10709 AG\_01\_9-1-10] (page 1-3)
35. Email from Jena Jordan who made the initial contact about work on the I-5 Tacoma HOV Stormwater Outfall Project in Tacoma [RE: Info on next stage of HOV Program – Stormwater Outfall] (page 1-2)
36. Email to Jena Jordan at the Tacoma Project Office that shows the coordination Ms. Calderwood did with her office and the Tacoma-Pierce County Health Dept. as part of my work on the Outfall Project [FW: WSDOT Tacoma Outfall Project] (page 1-3)
37. Email from Mark Gaines at HQ Construction providing initial information for Ms. Calderwood's work on a Sampling and Analysis Plan for the Tacoma Polymer Slurry Investigation [C7946 contract documents] (1 page)
38. Copy of the report Ms. Calderwood produced for the US 101 McDonnell Creek Property & USFWS Site [US 101 Phase II Report\_McDonnell-USFWS\_9-30-10] - *body of report included; attachments available upon request*(page 1-2)

B. Department of Transportation Exhibits

1. Environmental Services Organizational Chart
2. May 4, 2010 Letter of Transmittal and Classified Position Description submitted by Sarah Taylor to HR (5 pages)
3. May 26, 2010 email message from Sarah Taylor to Joni Wheeler sending examples of work attachments (2 pages):
  - a) Hazardous Materials Discipline Report– I-5 Mellen Street to Blakeslee Junction – Add Lanes, Interchange Improvements (2012) (pages 1-30)
  - b) March 11, 2010 memo from Sarah Taylor re: Hazardous Materials Discipline Report Addendum – US 101 Shore Road to Kitchen-Dick Road – Widening Project Wetland Mitigation Site with map and pictures (pages 1-8)
4. Notes from June 3, 2010 Desk Audit (pages 1-3)
5. Details and documents regarding projects Sarah worked on - provided by Sarah Taylor
  - a) SR 109 Hoquiam Tank Encounter (1 page)
  - b) C7805 – Fuel Tank Encountered (page 1-3)
  - c) SPCC Assessment Database (page 1-5)
  - d) Dryden Pit Site (page 1-3)
  - e) SR 99 Alaska Way Viaduct Replacement Project (page 1-3)
  - f) Vancouver Rail Project (39<sup>th</sup> Street Bridge) (page 1-8)
  - g) HOV NB Stage 1 (T-Street Utility Project) (page 1-4)
  - h) SR500 Kindred UST Tank Removal (page 1-6)

- i) US 101 Shore Road to Kitchen-Dick Road Widening (page 1-4)
  - j) I-5 Mellon Street to Blakeslee (page 1-6)
6. August 5, 2010 email from Sarah Taylor re: reallocation request update with attachments: (pages1-7)
- a) August 3, 2010 email from Rob Smith to Elizabeth Lanzer
  - b) December 4, 2008 email from Sarah Taylor to Vickie Albert
  - c) June 18, 2009 email from Mike Stephens to Steve Fuchs
  - d) January 14, 2010 email from Mike Stephens to Sarah Taylor
7. HazMat Program Primary Projects (October 2009 – May 2010) – Info provided by Sarah Taylor (page 1-2)
8. Classification Questionnaire for position 12298 – reviewed as an example of someone performing similar work per Sarah's request during desk audit (page 1-4)
9. Email correspondence:
- a) June 25, 2010 email from Mike Stephens to Joni Wheeler re: Information requested-percentage of time (1 page)
  - b) June 30, 2010 (AM) email from Mike Stephens to Joni Wheeler re TPS3/TPS4 workload description-assessment portion of CQ (1 page)
  - c) June 30, 2010 (PM) email from Mike Stephens to Joni Wheeler re TPS3/TPS4 workload description-assignment of work (1-2)
  - d) July 11, 2010 email from Mike Stephens to Joni Wheeler re: Examples of Project Work for our Meeting (1-2)
  - e) October 1, 2010 email from Ken Stone to Joni Wheeler re: Reallocation discussion (1-5)
  - f) October 12, 2010 email from Ken Stone to Joni Wheeler and Megan White re: Reallocation decision input (1-5)
  - g) July 7, 2010 email from Joni Wheeler to Mike Stephens requesting further information (1-2)
  - h) September 29, 2010 email from Joni Wheeler to Joe Witczak/Ken Stone re: help with Reallocation Request (1-5)
  - i) September 29, 2010 email from Joni Wheeler to Sarah Taylor updating her on reallocation request progress (1-4)
  - j) October 12, 2010 email from Ken Stone to Joni Wheeler/Megan White re: Reallocation finding from Joe Witczak, Ken Stone and Mick Stephens (1-5)
10. Position Description currently on file Position #00922, October 1, 2009 (pages 1- 3)

#### C. Class Specifications

- 1. DOP Class Specification for Transportation Planning Specialist 3 (543G)
- 2. DOP Class Specification for Transportation Planning Specialist 4 (543H)